



MICHIGAN CLEAN AIR COMPLIANCE ADVISORY PANEL (CAP) MEETING MINUTES November 29, 2007

Attendees: John Brennan, Director, MIOSHA's General Industry Safety and Health Division
Barry Cargill, Cargill Associates, CAP Chair
Donna Davis, Environmental Assistance Program, ESSD, MDEQ
Tom Donaldson, Region 8 Director, SBTDC.
Dave Fiedler, Environmental Assistance Program, ESSD, MDEQ
Lynn Fiedler, Acting Assistant Division Chief, AQD, MDEQ
Susan Holben, Small Business Clean Air Ombudsman, MEDC
Steve Holmi, Environmental Assistance Program, ESSD, MDEQ
Marcia Horan, P² and Compliance Assistance, ESSD, MDEQ
Jim Ostrowski, Environmental Assistance Program, ESSD, MDEQ
Sue Pemberton, Lansing Board of Water and Light
Judy Schaefer, Environmental Assistance Program, ESSD, MDEQ
Brian Warner, Wolverine Power Cooperative
Bruce Wigginton, Mason Auto Body, CAP Vice-chair

Welcome, Introductions & Review of Today's Agenda – Barry Cargill, CAP Chair

Approval of the Meeting Minutes – Barry Cargill

Formal approval of the September 18, 2007 was moved to the end of the meeting.*

Air Quality Rules and Program Update – Lynn Fiedler

AQD Rules

Ms. Fiedler went through the status of air quality rules which included rescinding the air quality emission trading program, and Prevention of Significant Deterioration (PSD) program delegation. The PSD delegation from the US EPA (EPA) is now tied up over state versus federal legal language regarding a provision in the CAA that allows a variance from the federal rules. Ms. Fiedler believes that the state and EPA have found a way to resolve this. All that is left is to publish the delegation in the federal register to fulfill the public notice requirement. This is expected to take place by the end of December.

Ms. Fiedler explained that delegation allows the state program to review appeals to permits through its administrative hearing process. Right now, a federal ruling on an appeal request for a permit can take at least 3 months or as long as a year. This problem came to light during the issuance of GM's Delta Twp. PSD Permit to Install which was held up on appeal for more than a year. Michigan wants more ability to control the appeal process and the time frame because long appeals end up being an economic burden to companies. Ms. Fiedler also informed the CAP about upcoming permit applications they expect to receive: 4 from power plants and one from a 10 MW wood boiler.

* The minutes from the September 18, 2007 meeting were not approved.

Climate Change

Lynn also briefly mentioned the AQD's involvement in climate change activities, given that Marcia Horan will go into more detail on this later in the meeting. Director Chester and the MDEQ have been given the lead on the governor's recent executive order to form a Michigan Climate Action Council (MCAC), and her directive instructing state agencies to find ways to plan for, manage and reduce greenhouse gas activities coming from its physical buildings and activities.

When asked about the effort underway through the state rulemaking process to declare CO₂ an air pollutant, Ms. Fiedler stated that it was already considered an air contaminant, but not a toxic air pollutant. The MDEQ will not be the ones to define CO₂ as that will be left up to the MCAC. Brian Warner expressed concern that the new MCAC and its associated activities might present an unknown burden on MDEQ resources. Ms. Fiedler acknowledged that even though this initiative is in its initial stages of development, she believes that it could be overwhelming, given the tight timeframe for the MCAC to come up with policy recommendations and a Michigan climate change action plan. Mr. Warner cautioned the CAP that other air quality issues may end up taking a back seat to the political mandate of the MCAC, and that this was his primary concern.

Sue Pemberton wondered if the definition activity regarding CO₂ would adversely affect small business. Mr. Warner stated he believed a "cap and trade" program would just involve input from the larger businesses in the state, and worried that there would be no input into the MCAC activities by small businesses. Barry Cargill asked the CAP if an article was needed to explain the climate change initiative to small businesses. He suggested that perhaps the state could recruit a stakeholder (i.e. an environmental attorney or consultant) from the MCAC to develop and distribute articles through such mediums as the Small Business Technology Development Centers (SBTDC). Donna Davis also stated that the MDEQ can help get the word out to small businesses about the MCAC's activities through the traditional venues of the MDEQ such as the *DEQ Calendar*, *ESSD Bulletin* and AQD's *About the Air* Publication.

Action Item: Lynn Fiedler and other ESSD staff will try to secure a stakeholder who would be willing to draft an article on the MCAC and its activities, enlisting the participation of small businesses.

The Small Business Technology Development Center (SBTDC) Update – Tom Donaldson

Mr. Donaldson talked about the free confidential consultations and low cost training that the SBTDC provides to businesses. Region 8 of the SBTDC services 6 counties with satellite offices in Brighton and Owosso. The SBTDC also provides market research and directs businesses where they can find financing for through the Small Business Innovative Research grants, private venture capital, angel investors or banks.

The SBTDC has a monthly e-mail distribution to 1,500 recipients and a written newsletter that goes out to their and other affiliated SBTDC regions (approximately 2,500 recipients). Finally, the SBTDC tracks the impact it has on businesses (i.e. whether they started the business, closed down, how many jobs it created, etc.).

Judy Schaefer asked Mr. Donaldson if the SBTDCs had worked with any of the state foundations. Mr. Donaldson indicated that they have. Dave Fiedler stated that he would get Mr. Donaldson some of the EAP's marketing brochures for distribution at the SBTDC regional office level.

Michigan Clean Air Ombudsman Update – Susan Holben

Ms. Holben stated that her travel is somewhat restricted so she is not doing as many road trips to stay in touch with the state's chambers of commerce. But, she would like to continue her outreach using the chambers to do an e-mail push of things that are of interest to their members beginning in 2008. This is a part of the MEDC's overall marketing campaign. Ms. Holben said the best way for her to receive information from the MDEQ would be in small increments of 2-3 paragraphs.

Barry Cargill encouraged Ms. Holben to help with getting information out to the state's small businesses regarding input into the state's climate change action plan and MCAC activities

MIOSHA's Strategic Plan – John Brennan

Mr. Brennan discussed MIOSHA's 5-year strategic plan and how inspections of facilities take place based on pre-selected targeted industries or through employee complaint filings.

Mr. Brennan also talked about MIOSHA's new initiative called "Connecting to Industry" which is focused on MIOSHA staff developing a better working relationship with employers by trying to change MIOSHA's reputation from one of enforcement to compliance assistance. Part of the initiative encourages inspectors to hand out comment cards at the end of an inspection so that the employer can measure the usefulness of the information provided by the inspector during the inspection. For example, MIOSHA inspectors are required to offer abatement options to the employers so that they know what their expectations are before the inspector closes the case. When abatement actions occur in a timely manner, MIOSHA offers a 50% reduction in any fines that are levied. Mr. Brennan acknowledged that many of the small businesses inspected do not understand MIOSHA's problem resolution process, and often do not realize that once an order date is reached in which abatement was to be implemented by the business, that MIOSHA no longer has the option to be able to reduce a fine. MIOSHA does not use the comment cards as part of an inspector's state performance evaluation; they just use them as a means to evaluate and improve the level of service given during an inspection.

Mr. Brennan indicated that for the last 3 years, MIOSHA has implemented a program entitled, "Take a Stand" that for one day, turns inspectors into compliance assistance staff that can make health and safety recommendations without writing up an employer for a violation of any of the standards. Mr. Brennan says this is a popular program and often, MIOSHA is overwhelmed with requests for a facility audit. Brian Warner asked if the MDEQ could conduct an initiative that is similar to MIOSHA's "Take a Stand" day with its inspection programs. Donna Davis indicated that she would approach Tim McGarry, the MDEQ's Enforcement Chief, regarding this idea and provide the CAP with a response.

Action Item: Donna Davis will offer this idea as a suggestion to Tim McGarry, and provide the CAP with the MDEQ's response as to whether this idea can be duplicated by the MDEQ's enforcement programs.

Climate Change, Energy Efficiency Activities and ESSD Budget – Marcia Horan

Marcia Horan informed the CAP about the governor's recently announced executive order and executive directive that forms the Michigan Climate Action Council (MCAC), and allows state departments to initiate some energy efficiency activities that will help reduce greenhouse gases. Ms. Horan stated that the MDEQ's Air Quality Division had the lead on the activities generated by the MCAC and the MDEQ's Environmental Science and Services Division will be the lead, working with the Michigan Department of Management and Budget, on activities implemented under the directive. The Executive Office and private foundations are providing the bulk of the funding for this activity, with the MDEQ contributing 25% of funding.

The purpose of the MCAC is to write a plan of action in order to mitigate climate change. The plan will include a set of recommendations on how different activities in Michigan can affect climate change. She stated that there will be five workgroups established under the MCAC, and that the MCAC will be aided by a consulting firm entitled, the Center for Climate Studies.

Ms. Horan indicated that there have been a lot of discussions about climate change on the national and international level. The first meeting for the MCAC is set for December 12, 2007 at the Union building on Michigan State University's campus. To date, members of the MCAC had not been selected from the Governor's office, but Ms. Horan expected to hear an announcement in the near future. Ms. Horan expects that the MCAC membership will be between 30 and 40 people. Mr. Warner cautioned that there were 35 people on the Land User Leadership Council and it was tough to get consensus on the recommendations with so many people. Ms. Horan indicated that the executive order requires the MCAC to come up with a list of policy recommendations by April 2008. The executive directive requires departments to come up with a measurement process by July 2008.

The CAP requested an update on the progress of the executive order and directive at the next CAP meeting.

Action Item: Reserve an agenda item so that Marcia Horan can provide an update on the MCAC, and the climate change/energy efficiency activities of state departments at the next CAP meeting.

Update on the EAP's Activities – Dave Fiedler

Dave Fiedler updated the CAP on the completion of the new auto body guide stating that the workbooks were being fine tuned. Bruce Wigginton complemented the EAP on creating a very useable guide in which a company can conduct their own facility audit in about half a day. Mr. Fiedler indicated that the EAP was looking for an outside vendor to help print the guides because there was no state money to make hard copies. This might entail the vendor putting his/her company's logo on the book in exchange for picking up the printing costs.

Mr. Fiedler stated that the next sector guidebook under development is one for automotive maintenance/repair shops. Staff of the EAP recently took a field trip around Lansing to some automotive maintenance facilities and learned a lot from talking with the owner/operators about the typical activities that take place there.

Other Issues and Public Comment – Barry Cargill

The CAP set their meeting schedule for the 2008 calendar year. The following dates were selected:

- Tuesday, March 11, 2008.
- Tuesday, September 9, 2008.
- Tuesday, December 2, 2008.

Next CAP Meeting is scheduled for Tuesday, March 11, 2008 at Constitution Hall, Lansing, Michigan.